REMARKS

Claims 1-22 are pending in this application.

Claim Rejections - 35 U.S.C. §102

Claims 1, 5, 12 and 13 are rejected under 35 USC §102(e) as being anticipated by Pare.

The present invention relates to an illegal access discriminating apparatus and method to monitor and discriminate an attack from an illegal access person pretended to be a legal user of a service providing system, by using an ID information and an organic information in an authentication demand.

When the user requests an authentication by using the ID information and the organic information, they are compared with any stored ID information and organic information of the authentication demand performed in the past, thereby discriminating whether the access is an illegal access by an attacker. If it is determined that there is a possibility of an attacker who intends to illegally invade the system, the service providing system is notified that the access is an illegal access, thereby allowing the system to refuse the presentation of services and preventing an invasion.

Independent claim 1 has specifically recited in relevant part that:

> "a comparing and collating unit for comparing and collating the latest inputted ID information and organic information with ID information and organic information which were inputted in the past".

Similarly, independent claim 12 has also specifically recited in relevant part that:

> "a comparing and collating step of comparing and collating the latest inputted ID information and organic information with ID information and organic information which were inputted in the past".

These aspects of the claimed invention are supported by way of an example in Figure 1 and associated written description from page 20, line 4 to page 21, line 4, which states that:

> "Referring again to Fig. 1, when the organic information is inputted and stored into the organic information input storing unit 18, the organic information collating unit 24 collates it with the organic information which was inputted in the past and stored in the use information storing unit 22. In the collation of the organic information, a coincidence degree between the inputted organic information and the organic information which was inputted in the past is obtained. If the coincidence degree is equal to or larger than a predetermined value, an output of the collation coincidence is generated. If the coincidence degree is less than a predetermined value, an output of the collation dissidence is generated. Since the processes for collating and comparing the organic information and the ID information by the organic information collating unit 24 and ID information comparing unit 26 are based on the inputs of the ID information and organic information from the user terminal 14 to the service providing system 10, the processing operations for collating and comparing are simultaneously performed. The control unit 28 receives a collation result of the organic information collating unit 24 and a comparison result of the ID information comparing unit 26, discriminates about the illegal access by the attack from the attacker, and notifies the service providing system of a discrimination result."

Therefore, it is clear that the ID information and the organic information are not only stored once and to be used to compare with later entered ID information and organic information. They are in fact stored every time an ID information and an organic information are entered. When a latest ID information and a latest organic information are input, the latest ID information and the latest organic information are collated and compared with all previously entered ID information and organic information.

In contradistinction, Pare discloses and teaches a registration step wherein a biometric sample corresponding to an account information is stored in a system. Whenever a later account

information and corresponding biometric sample are input into the system, the later account information and corresponding biometric sample are compared against the biometric sample and corresponding account information established during a registration setup. Therefore, there is no collation of account information and biometric sample. Furthermore, there are no comparison of the later account information and the later biometric sample with all previously entered account information and biometric sample.

Given that Pare fails to disclose or teach a comparing and collating unit, naturally, Pare also fails to disclose a control unit or a control step for discriminating an authentication demand by an illegal person on the basis of an output of the comparing and collating unit or step.

It is well settled that:

> "A claim is anticipated only if each and every element *as set forth in the claim* is found, either expressly or inherently described, in a single prior art reference." *Constant v. Advanced Micro-Devices, Inc.*, 848 F.2d 1567, 7 USPQ2d 1057 (Fed. Cir. 1988)."

Should the Office continue to believe that the claimed invention is anticipated by the asserted prior art, a citation of where each and every claimed feature, either as column number and line number, or figure number and reference numeral, or a combination thereof, as disclosed in the asserted prior art is respectfully requested. Should the Office determines that any claimed feature is not disclosed in the asserted prior art, it is respectfully submitted that the claimed invention is not anticipated by the asserted prior art. Allowance of the claimed invention is then respectfully requested.

Claim Rejections - 35 U.S.C. §103

Claims 2-4, 6-11, and 14-22 are rejected under 35 USC §103(a) as being unpatentable over Pare in view of Gressel.

In the outstanding Office action, the Office has identified specific shortcomings of the primary reference Pare as pertaining to each of the Office identified claims. The Applicant agrees with the Office assessed shortcomings of the primary reference Pare. However, these are not the only shortcomings. The asserted prior art also fails to disclose or teach an illegal access discriminating apparatus.

It should be noted that since independent claims 1 and 12 are patentably distinguished over Pare, as explained in response to the above anticipation rejection, all claims dependent thereon, by virtue of inherency, are also patentably distinguished over Pare further in view of whatever other secondary reference.

Reconsideration and withdrawal of this rejection are respectfully requested.

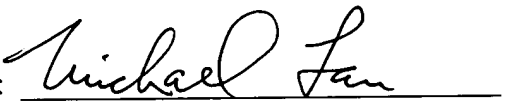
CONCLUSION

In view of the aforementioned remarks, all pending claims are believed to be in condition for allowance. Allowance of this application, at an early date, is respectfully requested.

In the event that this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. Please charge any underpayment and credit any overpayment associated to this application to Deposit Account No. 50-2866.

Respectfully submitted,

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP

By: 

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Attachments: Petition for Extension of Time w/fee
Change of Correspondence Address

MNL/eg/asc/rer

Q:\1999\991176\Amendment – 1st OA due 4-12-04